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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,633	08/07/2000	David W. Brown	ROYG-1-1001	3331
25315	7590	11/05/2003	EXAMINER	
BLACK LOWE & GRAHAM, PLLC			CHAVIS, JOHN Q	
701 FIFTH AVENUE			ART UNIT	PAPER NUMBER
SUITE 4800			2124	
SEATTLE, WA 98104			DATE MAILED: 11/05/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/633,633	BROWN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John Q. Chavis	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 October 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11</u> .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bargen et al.

#### Claims

1. A method of moving an object in a desired manner using a motion control device from a group of supported motion control devices, comprising the steps of:

(i) selecting a software driver from a plurality of software drivers, each of the plurality of software drivers comprising driver code to control one or more motion control devices;

(ii) generating a control command based on a application program and the driver code of the selected software driver; and

#### Bargen

See in part one, the section entitled “Minimize latency”, which discusses playing games (i.e. moving objects).

See in part one, the section entitled “Make it Fast”, which talks about setting up the hardware (selecting a driver). The feature is also discussed in the section entitled “DirectArchitecture” in part one and although not specifically claimed by the applicant, Bargen provides for his drivers installation to be “automated”, see DirectXComponents, DirectSetup. This feature is further emphasized via Chapter Eighteen, DirectPlay, which automatically take advantage of new communication options as they become available (i.e. automatically selecting drivers).

See in Chapter 18 the DirectPlay Objects section, which talks about managing players, groups, game sessions and data transfer (generating

control commands based on the application and driver). Also, see the section entitled “Gaming with DirectPlay” in chapter 18, which creates new sessions and connect to existing sessions (inherently via generated control commands). A sample application that functions as the application is “Immortal Clowns”, Chap. 18 “Input Synchronization”.

(iii) operating the selected motion application control device in accordance with the control command to move the object.

See the “Immortal Clowns”

above, which provides for a great deal of motion”. Also, see the State Synchronization section also in Chap. 18.

2. The method of claim 1, wherein the step of generating a control command is further based on a set of driver functions, each driver function defining one or more incremental motion steps that may be performed by the motion control device.

See in Chapter 19, the section titled “Service Providers” (more than one, with different drivers for each and the section entitled “Initializing the Connection”, which binds service providers (based on a set of driver functions) to the DirectPlay object (i.e. to generate a control command).

3. The method of claim 2, wherein the application program comprises a sequence of component functions, and at least some of the component functions are associated with driver functions.

Applications inherently provide a sequence of component functions associated with the driver utilized; for example, see the DPMon sample below table 19.2, which provides for callback and connection functions, associated with driver functions.

4. The method of claim 3, wherein the set of driver functions comprises a subset of first driver functions and a subset of second driver functions, and wherein each first driver function identifies an incremental motion step that may be performed by a motion control device and each second driver function identifies a plurality of

See the section entitled “Session Management” in chapter 19, which provides for interactive play (first and second driver functions) with incremental motion steps.

incremental motion steps that may be performed by a motion control device.

In reference to claims 5-8, see the rejections above of claims 1-2, 4 and 3, respectively.

The applicant refers to a system in the present claims, while a method had been referenced in the previous set of claims. Therefore, the system features are taught via figs. 18-1 thru 18-3.

As per claim 9, see the rejection of claim 8, supra.

The features of claims 13, 14 and 16 are rejected as claims 1-3, above.

Claim 15 is rejected as claim 14 and claims 5-6.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergen, in view of the applicant's choice of locations to implement his invention on.

As per claims 10-12, see the rejection of claim 8, supra. Bergen does not limit his invention to a specific device. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the processor in a specific location to take advantage of the features provided by the location. For example, the feature of utilizing a PDA provides for inherent remote uses of the invention as having the processor stored in the motion control device. While, having the processor stored on a network (server) simplifies access to

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multiple external units. Therefore, each of the features would have been obvious to a person of ordinary skill in the art at the time of the invention to take advantage of the inherent benefits of having the processor in a specified location as indicated above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Chavis whose telephone number is 703-305-9665. The examiner can normally be reached on 8:30 am-5:00 pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3900.

Jqc  
October 30, 2003



JOHN CHAVIS  
PATENT EXAMINER  
ART UNIT 2124